

**Memorandum of the Meeting  
Twenty-Seventh Town Council  
Regular Study Session  
Monday, May 07, 2012**

The Highland Town Council met in its standing regular study session on Monday, May 07, 2012 at 7:07 o'clock p.m. in the regular place, the Council upper meeting chambers of the Highland Municipal Building.

*Silent Roll Call:* Councilors Bernie Zemen; Dan Vassar; Mark A. Herak; and Konnie Kuiper were all present. Councilor Brian Novak was absent. A quorum was established.

The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the meeting.

*Also present:* Rhett Tauber, Town Attorney; Kenneth J. Mika, Building Commissioner and John Phipps, P.E. of NIES Engineers, were also present. William R. Timmer, Jr., CFOD arrived at 7:25 p.m.

**General Substance of Matters Discussed**

1. The Town Attorney briefed the Town Council regarding the passage of Ordinance 864, adopted in July 1981. That ordinance set out the drainage regulations and calculations related to select properties along 45<sup>th</sup> Avenue west of Indianapolis Boulevard, north of the Meijer's. It was noted that the current drainage ordinance is more stringent in its regulations. The Town Attorney also noted that there was a contribution made back in 1981 by the Zandstra Family to support some storm water improvements being sought and then for future development on the discretely identified property to be governed by the design drainage criteria of Ordinance No. 864. The Town Attorney opined that owing to the contribution made earlier, there is a quasi- contract that binds the Town to a less stringent standard as set forth in the Ordinance No. 864. IT was the Town Attorney's recommendation that rather than the current, later adopted drainage, regulations, that the Town should use the standards set forth in Ordinance No. 864.

The matter was raised in connection with the current improvements that the Strack and Van Til's Warehouse which are intended to convert the existing building to the corporate headquarters, as well as a planned added building that is being contemplated by Christensen Chevrolet.

Mr. Phipps indicated that the representatives of Strack and Van Til's suggested that the added cost to comply with the more stringent drainage standards in current code could cost between \$150,000 and \$250,000.

It was noted that the discretely identified properties should be in compliance with the regulations of Ordinance No. 864.

2. The Town Attorney and the Building Commissioner discussed with the Town Council the current status of the building located at 45<sup>th</sup> Avenue, the site of the former Chela's Restaurant. It was suggested that the provisions of the Unsafe Building Code would be employed to address the property condition, calling for full demolition. It was noted that the identifying sign would be included in the Unsafe Building Enforcement.
3. The Town Attorney discussed the current status of the property which was the site of the former Finke's Nightclub. It was noted that the property is subject to a sheriff's sale. It was further noted that at least two bidders had filed interest in redeeming the property.
4. The Town Council and the Town Attorney discussed the status of the fence possessing an unusual coloration located at Liable and 41<sup>st</sup> Street. It was noted that there were other

building code enforcement issues. The Town Attorney acknowledged its unappealing aesthetic, but further noted the difficulty of enforcing any code measure that could be sustained. The Town Attorney offered to research the prospect of treating the fence as a nuisance, if the Town Council wished. The Town Council seemed to accept the limits of its enforcements choices in the current instance.

5. The Town Council and the Town Attorney briefly discussed the redevelopment commission proposed maintenance standards amendments. The Town Attorney indicated that he was still reviewing the suggestions but noted that the current existing maintenance ordinance possessed some of the suggested provisions.

The Building Commissioner indicated that he had reservations about the entire redevelopment proposal. The Building Commissioner suggested that some portions of the proposal had merit and could be amended into the existing maintenance ordinance.

6. The discussion included an examination of the former guenero house (corner of Martha and Grace) and houses like it in town that are owned by HUD but are waiting to be marketed for sale. It was suggested that the process seemed unduly protracted. There was sentiment for moving the matters forward.
7. The Town Council discussed the nature of the current code regulations regarding rentals of single family dwellings. It was noted that the Business License ordinance applies.
8. The Town Council discussed whether the route of the annual independence day parade being changed. It was noted that there are no plans to change the parade route for this current year. The discussion included an exploration of whether the festival should be moved from Main Square to the Sharp Athletic Complex.
9. The Town Council and the Building Commissioner discussed regulated construction activity that may take place on weekends and the sufficiency of enforcement. The possible change in standing schedule to include Saturdays for the Code Enforcement Officer was also explored. The Building Commissioner indicated that he would be open to scheduling Saturdays during construction season. He further noted that except for siding and roofing permits, no permit may be issued without plan review. So, the Building Commissioner opposed on site receipt of fees by code enforcement staff.

The Building Commissioner suggested that a requirement be added to the contractor licensing provisions to insist that contractor's vehicles be identified discretely.

10. The Town Council discussed with the Building Commissioner and the Fire Chief whether the general 4% increase should apply to the regular part-time workers in their departments. The discussion included perhaps offering a one-time bonus for Firefighters who make perhaps 50% of the calls in a given year.

The Fire Chief also indicated his desire to have some modification to the existing officer's fixed pay and indicated that he would prepare a memorandum regarding the request.

11. The Town Council and the Clerk-Treasurer discussed an assessment delinquency for a property on 2031 Ridgewood. The Clerk-Treasurer reported that pursuant to the general improvement law, a delinquency notice was issued, calling for payment of the delinquency plus certain penalties and interest as follows:

\$894.94	payment owed
42.45	penalty (5%)
53.67	interest (7%)
<u>          </u>	
\$955.06	

The Clerk-Treasurer reported that the owner of the property approached his office about paying less than the full amount and satisfying the balance in August or September. The

Clerk-Treasurer indicated that he reviewed the statutes and wished to know if the Town Attorney or the Town Council would object to allowing this approach as requested. The Town Council members offered no objection. The Town Attorney indicated that this process was within his understanding of the improvement laws – as long as some payment was made by the May 10 deadline.

There being no further business to discuss, the regular study session of Monday, May 07, 2012 was adjourned at 8:24 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer